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UNITED STATES PATENT AND TRADEMARK OFFICE

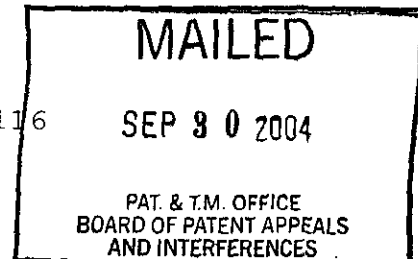
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MARK I. GREENE, JEFFREY A. DREBIN, ROBERT M. HUDZIAK,  
H. MICHAEL SHEPARD, AXEL ULLRICH and BRIAN M. FENDLY  
Junior Party<sup>1</sup>

v.

C. RICHTER KING, MATTHIES H. KRAUS and STUART A. AARONSON  
Senior Party<sup>2</sup>

Patent Interference No. 105,116



JUDGMENT

Before Metz, Schafer and Tierney, Administrative Patent Judges.

Metz, Administrative Patent Judge.

<sup>1</sup> Application of Greene et al.: 09/158,899, filed September 23, 1998. Patent of Hudziak et al.: U.S. Patent Number 6,399,063, issued on June 4, 2002, from U.S. Application Serial Number 09/152,654, filed on September 14, 1998. The Greene et al. application is assigned to the Trustees of the University of Pennsylvania. The Hudziak et al. patent is assigned to Genentech, Inc. Hereinafter the parties Greene et al. and Hudziak et al. are referred to collectively as "Genentech."

<sup>2</sup> Application Serial Number 08/472,117, filed on June 7, 1995. Assigned to the United States Department of Human and Health Services. Hereinafter the party King et al. is referred to as "HHS."

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We found in our "DECISION ON PRELIMINARY MOTIONS" filed on even date with this judgment that all the parties' respective claims designated as corresponding to the count were unpatentable. Accordingly, it is now appropriate to enter judgment against both parties. It is, therefore,

**ORDERED** that judgment as to the subject matter of Count 1, the sole count in this interference, is entered against Robert M. Hudziak, H. Michael Shepard, Axel Ullrich and Brian M. Fendly, the junior party.

**ORDERED** that judgment as to the subject matter of Count 1, the sole count in this interference, is entered against Mark I. Greene and Jeffrey A. Drebin, the juniormost party.


**ORDERED** that judgment as to the subject matter of Count 1, the sole count in this interference, is entered against C. Richter King, Matthies H. Kraus and Stuart A. Aaronson, the senior party.


**FURTHER ORDERED** that Mark I. Greene and Jeffrey A. Drebin, the juniormost party, are not entitled to claims 3 through 5, 23, 26 and 27 of their involved application in this interference, U.S. Serial Number 09/158,899, and designated as corresponding to Count 1.


**FURTHER ORDERED** that Robert M. Hudziak, H. Michael Shepard, Axel Ullrich and Brian M. Fendly, the junior party, are not entitled to their involved patent, U.S. Patent Number 6,399,063,

containing claims 1 through 3, 7 through 15 and 18 and designated as corresponding to Count 1.

**FURTHER ORDERED** that if there is a settlement agreement, the parties attention is directed to the requirements of 35 U.S.C. § 135(c) and 37 C.F.R. § 1.666; and

  
ANDREW H. METZ  
Administrative Patent Judge

  
RICHARD E. SCHAFFER  
Administrative Patent Judge

  
MICHAEL P. TIERNEY  
Administrative Patent J

) BOARD OF PATENT  
) APPEALS AND  
) INTERFERENCES

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